DETAILED ACTION

This communication is a First Office Action Non- Final Rejection on the merits.

Claims 1 - 11 are currently pending and have been considered below.

Drawings

1.   The drawings are objected to because term should be in the English language (See Figure 4). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2.   The disclosure is objected to because of the following informalities:

An abbreviation term SR is used multiple times in the specification, but the term

SR is not defined in the specification.

On page 12 line 3, the term "cervice" should be --service--.

On page 22 line, line 17, the term "that he are ready to" is incomprehensible.

Appropriate correction is required.

Claim Objections

3.   Claim 6 is objected to because of the following informalities: In line 5, "a remote

device owners" is grammatically incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   **Claims 1 – 11 are rejected under 35 U.S.C. 112, second paragraph, as being**

indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

Claim 1 recites the limitation "the use" in line 10. There is insufficient antecedent

basis for this limitation in the claim.

Claim 1 recites the limitation "sufficient available" in line 10. It is unclear what

limitation of "sufficient available" is referring in this claim.

Claims 2 – 4 are depended from claim 1. Therefore claims 2 – 4 carry same

deficiencies as claim 1.

Claim 5 recites the limitation "the use" in line 2. There is insufficient antecedent

basis for this limitation in the claim.

Claim 5 recites the limitation "the information management program" in line 4.

There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the subject" in line 9. There is insufficient

antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the cost" in lines 10 and 11. There is insufficient

antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the amount" in lines 15 and 18. There is

insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the use" in line 16 and 19. There is insufficient

antecedent basis for this limitation in the claim.

Claims 7 – 11 are depended from claim 6. Therefore claims 7 – 11 carry same

deficiencies as claim 6.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   **Claims 1 - 5 are rejected under 35 U.S.C. 102(b) as being anticipated by**

Nishio (US 5,887,192).

As Per Claim 1, Nishio teaches an apparatus for account settlements between owners of rented objects, including at least one of software, electronic data, and remote services, wherein the rented objects are rented by users interested in receiving and processing information (See column 1 line 9 - 17; via a software usage measurement apparatus), the apparatus comprising:

a means for converting a cost of renting the rented objects into conventional units (See column 3 line 49 – 52; via determine for every some count value and amount of charge for using software will be determined corresponding to the determined using quantity);

a means for converting a cost of user actions on the rented objects into the conventional units (See column 3 line 33 – 36; via count a total number of usage of software);

a means for recording, accumulating, transferring, controlling and keeping record of the information and of an amount of conventional units available to the users (See column 3 line 53 – 55 and column 6 line 48 – 59; the quantity managing apparatus which detects the usage of software, counts the changes values based on the usage, then determine the quantity of the usage of the software. After determine the quantity of the usage of the software, the amount of money for already-used quantity is charged from the prepaid account);

a means for authorizing the use of the rented objects when a user has sufficient available said conventional units (See column 13 line 51 - 53; via CPU executes authorization);

a means for decreasing the amount of the available conventional units for the

use of the rented objects and (See column 3 line 55 – 62, column 15 line 17 – 20 and

Figure 8; via as usage of software increases, count value goes up and the amount of

money is subtracted from an user account, and CPU decrement account count value X

from the account data memory);

a means for preventing the use of the rented objects when a user has insufficient

available conventional units (See column 3 line 66 to column 4 line 4;via if user account

does not contain any value, then stop the service and prevent user from using

software).

As per Claim 2, Nishio teaches the apparatus of claim 1 further comprising: a

means for recording and accumulating the information in an information accumulation

program when the information is subject to being received, processed and transferred to

a remote device (See column 15 line 13 – 21; via the video data signal is inputted to

CPU and CPU counts the number of receiving signals and decrements count value X

from the accounting memory).

As per Claim 3, Nishio teaches a means for storing information defining the

amount of conventional units available to users in a data storage program (See column

9 line 50 – 54; via CPU subtracting account value X from an account data memory.

Examiner construes that subtracting account value X from the account data memory

stores new subtracted value to the account data memory which is equivalent to storing

amount of conventional unit information to data storage).

As per Claim 4, Nishio teaches a means for information management configured

for increasing the amount of conventional units in the data storage program so as to

enable an increase of the information processed and provided by a user (See column 8

line 26 – 29; the accounting count value X may be added in exchange for a payment of

the price);

a means for retrieving information from the information accumulation program,

said retrieved information previously received from the remote device when the

information is intended to be processed by a user and subsequently transferred to the

information accumulation program unit (See column 15 line 3 – 20; via SD circuits

inputs all data to CPU and CPU counts an usages of software based on the inputted

data which is subsequently transmitted to an user).

As per Claim 5, Nishio teaches a means for controlling and tracking the use of

rented objects (See column3 line 53 – 55 and column 6 line 48 – 59; the quantity

managing apparatus which detects the usage of software, counts the changes values

based on the usage, then determine the quantity of the usage of the software. After

determine the quantity of the usage of the software, the amount of money for already-

used quantity is charged from the prepaid account);

a means for authorizing the use of the rented objects (See column 13 line 51 -

53; via CPU execute authorization);

a means for decreasing the amount of conventional units of a user upon use of

the rented objects (See column 3 line 55 – 62, column 15 line 17 – 20 and Figure 8; via

as usage of software increase, count value goes up and the amount of money is

subtracted from an user account, and CPU decrement account count value X from the

account data memory); and

a means for launching the information management program when the

conventional units of a user are depleted (See column 3 line 66 to column 4 line 4;via if

user account does not contain any value, then stop the service and launch a usage

hindering which prevent user to access to the software).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.

      4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

10.   Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishio in view of Choi (US 7,003,478).

     As per Claim 6, Nishio discloses transferring information about rented objects to a remote device owners of the information (See column 7 line 67 – column 8 line 2; software is supplied to the customer);

     transferring information about rented objects to a remote device owners of the information and transferring data of information to be processed by a user of the rented objects to the remote device from a subject interested in processing the information by a user, when the subject wishes to process a request for information provided by the user (See column 1 line 66 – Column 2 line 8; via desired software is transmitted (rented) and an account information of user along the rented software information (for value deduction purpose) is transmitted to the owner of the software);

     converting the cost of rented objects and information into conventional units (See column 3 line 49 – 52; via determine for every some count value and amount of charge for using software will be determined corresponding to the determined using quantity);

     converting the cost of user actions with rented objects into conventional units (See column 3 line 33 – 36; via count a total number of usage of software);

     recording, accumulating, transferring, controlling and keeping record of information received, processed and provided by a user (See column3 line 53 – 55 and column 6 line 48 – 59; the quantity managing apparatus which detects the usage of

software, counts the changes values based on the usage, then determine the quantity

of the usage of the software. After determine the quantity of the usage of the software,

the amount of money for already-used quantity is charged from the prepaid account);

    providing information by a user and authorizing the use of rented objects when a

user has conventional units (See column 13 line 51 - 53; via CPU execute

authorization);

    increasing the amount of conventional units for processing (See column 8 line 26

– 29; the accounting count value X may be added in exchange for a payment of the

price);

    decreasing the amount of conventional units for using rented objects (See

column 3 line 55 – 62, column 15 line 17 – 20 and Figure 8; via as usage of software

increase, count value goes up and the amount of money is subtracted from an user

account, and CPU decrement account count value X from the account data memory);

    preventing the use of rented objects when a user has insufficient conventional

units (See column 3 line 66 to column 4 line 4;via if user account does not contain any

value, then stop the service and prevent user from using software).

    However, Nishio fails to explicitly disclose adjusting display parameters of

received information.

    Choi discloses adjusting display parameters of received information (See column

2 line 30 – 16 and line 45 – 50; via adjust size and format of the displayed

advertisement as well as software).

Both Nishio and Choi disclose a system, which rents software to customers. To provide customer expensive software for free for low cost, it is necessary to have an advertisement and the displayed advertisement can be adjustable for number sponsorships.

Therefore, from the teaching of Choi, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the software usage measurement apparatus of Nishio to include adjusting parameter feature of advertising method using software taught by Choi in order to provide user a free or low cost software.

As per Claim 7, Nishio discloses the structural elements of the claimed invention, but fails to disclose the step of selecting available types of information provided by the remote device for processing.

Choi discloses the concept of having the step of selecting available types of information provided by the remote device for processing (See column 4 line 40 – 46; via user can download desired program).

Therefore, from this teaching of Choi, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify software usage measurement apparatus of Nishio to include selecting desired software feature in advertising method using software taught by Choi in order to give customer variety of selections.

11.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishio in view of Choi as applied to claim 6 - 7 above, and further in view of Mc Mullan Jr. et al. (US 5,654,746).

As per Claim 8, Nishio discloses establishing a higher priority for display rules set by a remote subject over information provided by a user (See column 2 line 13 – 17; via user may temporarily stop the software and load another software. Examiner construes that user loading different software is equivalent to setting a priority of display rules set).

However, Nishio fails to display

displaying information immediately during a work session with rented objects;

displaying information immediately after receipt and at any time through manual activation;

displaying information at a pre-specified time;

specifying a time interval for displaying information to be processed and the frequency of warning of a need to display said information;

Choi discloses displaying information immediately after receipt and at any time through manual activation (See abstract; via resume software when screen is clicked to make sure customer pays attention to the advertisement and give an advanced notice of the program is about to start).

Therefore, from this teaching of Choi, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify software usage measurement apparatus of Nishio to include display information immediately after

receipt or at anytime through manual activation feature in advertising method using

software taught by Choi in order to allow user to access the software immediately after

activation.

The Nishio and Choi combination does not disclose displaying information

immediately during a work session with rented objects;

displaying information at a pre-specified time;

specifying a time interval for displaying information to be processed and the

frequency of warning of a need to display said information;

McMullan Jr. et al. discloses displaying information immediately during a work

session with rented objects (See column 10 line 66 – column 11 line 3; via an user can

play the video game for unlimited time for a specific calendar time);

displaying information at a pre-specified time (See column 16 line 1 – 5; via a

user purchases the service for a specific days of the week. Examiner construes that in

order to purchase the service (renting software) for specific days of the week, the

purchase should be made in advance);

specifying a time interval for displaying information to be processed and the

frequency of warning of a need to display said information (See column 11 line 3 – 7

and column 16 line 12 – 15; via display information during specific playing time

(interval), and loading phase of the software. Examiner construes that the frequency of

warning of a need to display said information is equivalent of loading phase);

From this teaching of McMullan Jr. et al., it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify a software rental

systems of the Nishio and Choi combination to include displaying information at specific

time and specific work session in a game delivery system as taught by McMullan Jr. et

al. in order to provide customers different software in specified time period.

12.   **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

Nishio in view of Choi and McMullan Jr. et al. as applied to claim 8 above, and

further in view of Ledford et al. (US 6,247,175).

   As per Claim 9, the Nishio, Choi, and McMullan Jr. et al.'s combination discloses

the structural elements of the claimed invention, but fails to disclose the step of

removing information that has not been displayed over a specified time interval.

   Ledford et al. discloses a program time guide with the concept of having the step

of removing information that has not been displayed over a specified time interval (See

column 2 line 26 – 34; unused software during session is removed).

   From this teaching of Ledford et al., it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Software rental

system of the Nishio, Choi, and McMullan Jr. et al.'s combination to include apparatus

and method for removing used programs as taught by Ledford et al. in order to increase

efficiency of the system and save cost for the user.

13.   **Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Nishio in view of Choi, McMullan Jr. et al. and Ledford et al. as applied to

claim 9 above, and further in view of Hammons et al. (US 6,477,509).

As per Claim 10, the Nishio, Choi, McMullan Jr. et al. and Ledford et al.'s combination discloses the structural elements of the claimed invention, but fails to disclose the step of processing information in both online and offline modes as selected by the user.

Hammons et al. discloses the concept of having the step of processing information in both online and offline modes as selected by the user (See column 10 line 18 – 21; via the system authorize online credit and allow user to complete transaction whether online or offline).

From this teaching of Hammons et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Software rental systems of the Nishio, Choi, McMullan Jr. et al. and Ledford et al's combination to include internet marketing method and system with feature of allowing user to use the system online and offline as taught by Hammons et al. in order to give customer more flexibility on usage of the services.

As per Claim 11, the Nishio and Choi combination does not disclose the steps of requesting information for processing by a user; adding the information to at least one of a processing queue and a transferring queue when a connection to the remote device is unavailable.

McMullan Jr. et al. teaches the steps of requesting information for processing by a user; adding the information to at least one of a processing queue and a transferring queue when a connection to the remote device is unavailable (See column 16 line 20 –

27; via preload period. Examiner construes that preloading period serves equivalent function of queue).

From this teaching of McMullan Jr. et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a software rental systems of the Nishio and Choi combination to include queueing function (preload period function) of game software rental system as taught by McMullan Jr. et al. in order to eliminate time wasted for searching and loading a new program.

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Peterson, Jr. (US 5825876) discloses time based availability to content of a storage medium.

Block et al. (UF 4484217) discloses method and system for remote reporting particularly for pay television billing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ig T. An whose telephone number is 571-270-5110. The examiner can normally be reached on Monday - Thursday from 9:30 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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